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OFFICE OF PETITIONS

In re Application of
Bertram Geck, et al.
Application No. 09/967,242
Filed: September 28, 2002
Attorney Docket No. 2001P18013US

DECISION GRANTING
PETITION

This is a decision on the petition filed May 24, 2002, requesting that the above-identified application be accorded a filing date of September 28, 2002, rather than the presently accorded date of August 28, 2002. The petition is properly treated as a petition under 37 CFR 1.10(c).

The petition is **GRANTED**.

Petitioner alleges that the application was deposited in Express Mail Service on September 28, 2002. In support, the petition is accompanied by a copy of Express Mail receipt No. EL823499303US, showing a "date-in" of September 28, 2002. The same Express Mail receipt number was referred to in the original application papers found in the file.

The Office considers the date the paper or fee shown as deposited as "Express Mail" to be the "date-in" on the Express Mail label. See MPEP 513. That is the date that verifies that the package was actually mailed. The evidence is convincing that the application was deposited as "Express Mail" with the U. S. Postal Service on September 28, 2002.

A corrected filing receipt showing the filing date of the instant application accompanies the decision.

This application file is being forwarded to Technology Center 2600 for examination in due course.

Telephone inquiries concerning this matter may be directed to Marianne Morgan at (703) 306-3475.

Brian Hearn
Senior Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
For Patent Examination Policy

ATTACHMENT: Corrected Filing Receipt